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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,556	11/03/2003	Kaoru Okitaka	00862.023292.	1114
5514 7590 08/26/2009 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
KIM, EUNHEE				
ART UNIT		PAPER NUMBER		
2123				
MAIL DATE		DELIVERY MODE		
08/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/698,556

Applicant(s)

OKITAKA, KAORU

Examiner

Eunhee Kim

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/01/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment filed 07/01/2008 has been received and considered.

Claims 1 is presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fan et al. (US 6,704, 693) in view of Yu et al. (US 6,096,088), further in view of AAPA (Applicant's Admitted Prior Art).

Fan et al. teaches a geometric model conversion method of converting a three-dimensional CAD geometric analytical model of a thin-walled structure into a two-dimensional analytical model (Col. 2 lines 12-67), comprising;

a step of generating a plurality of tetrahedral solid elements each of which has a shape of a triangular pyramid having an apex and a base (Col. 1 lines 40-45, Col. 2 lines 12-40) and a single-layered structure in a plate thickness direction, by dividing an input three-dimensional CAD geometric analytical model which has a thin-walled structure (Col. 2 lines 12-67, Figures 2 and 3b and the description), such that the base of the triangular pyramid is placed on one surface of the thin-walled structure and the apex of the triangular pyramid is placed on another surface of the thin walled structure opposing to the one surface (Col. 2 lines 12-40),

a step of generating intermediate nodes of sides that extend in a direction of plate thickness in each tetrahedral solid element having the shape of the triangular pyramid, (Col. 1 lines 40-64, Col. 7 lines 61-67, Col. 8 lines 1-4),

a step of connecting the intermediate nodes to generate a plurality of triangular shell elements the two-dimensional analytical model (Fig. 3, 4 & 8, Col. 6 lines 41-49, Col. 7 lines 51-60), and

a step of executing an injection molding analysis with respect to each shell element of the two-dimensional analytical model generated in said connecting step and outputting results of the injection molding analysis (Abstract, Col. 1 lines 15-22).

Fan et al. does not explicitly teach a single layered structure in the plate thickness direction.

Yu et al. teaches a single layered structure in the plate thickness direction (Figure 7B).

Further, AAPA teaches connecting the intermediate node to generate triangular neutral plane shell elements as the two-dimensional analytical model (see Specification line 7-27 on page 2 and line 1 on page 3).

Fen et al. and Yu et al. are analogous art because they are both related to a structural analysis.

Therefore, it would have been obvious to one of ordinary skill in the art of at the time the invention was made to include a single layered structure of Yu et al. and the AAPA's neutral plane, with the method for the structural analysis of component of Fan et al. because using a single layered structure is a well-known process to a skilled artisan in a method of structural

Art Unit: 2123

analysis of component. Yu et al. teaches an improved system that ensures fidelity and reduces the computation time on the model (Col. 1 lines 30-55).

Response to Arguments

3 Applicant's arguments filed 07/01/2009 have been fully considered but they are not persuasive.

Applicant has argued that:

In contrast to Applicant's claimed invention, however, Fan is not understood to teach or suggest, among other features, generating a plurality of tetrahedral solid elements, each of which has a shape of a triangular pyramid having an apex and a base and a single-layered structure in a plate-thickness direction, by dividing an input three-dimensional CAD geometric analytical model which has a thin-walled structure such that the base of the triangular pyramid is placed on one surface of the thin-walled structure and the apex of the triangular pyramid is placed on another surface of the thin-walled structure opposing to the one surface.

The secondary citation to Yu relates to a modeling method with three-dimensional objects and is cited to compensate for the deficiency in Fan. In this regard, however, Figure 7b of Yu shows that mesh is generated on a surface in a plate-thickness direction of a solid element.

Yu fails, however, to show a plurality of tetrahedral solid elements, each of which has a shape of a triangular pyramid having an apex and a base and a single-layered structure in the plate-thickness direction. It is submitted, therefore, that it would not have been obvious to combine Fan and Yu in the manner proposed in the Office Action in order to generate a plurality of tetrahedral solid elements as set forth in Claim 1.

The Examiner finds applicants' argument unpersuasive as applicants merely alleged that the combination of Fan and Yu does not teach the limitation above and fails to point out the difference without analysis. Therefore, it is Examiner's position that the combination of Fan and Yu teaches the limitation above.

Further, Examiner relies upon the teaching in Fan to teach the limitation "generating a plurality of tetrahedral solid elements, each of which has a shape of a triangular pyramid

having an apex and a base, by dividing an input three-dimensional CAD geometric analytical model which has a thin-walled structure such that the base of the triangular pyramid is placed on one surface of the thin-walled structure and the apex of the triangular pyramid is placed on another surface of the thin-walled structure opposing to the one surface" while Yu is relied upon for a teaching of the limitation " a single layered structure in the plate thickness direction ". In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant has argued that:

Furthermore, it is submitted that Fan fails to teach or suggest generating intermediate nodes of sides that extend in a direction of plate thickness in each tetrahedral solid element having the shape of the triangular pyramid, and connecting the intermediate nodes to generate triangular neutral plane shell elements as the two-dimensional analytical model.

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection –AAPA.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eunhee Kim whose telephone number is 571-272-2164. The examiner can normally be reached on 8:30am-5:00pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2123

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eunhee Kim/
Examiner, Art Unit 2123

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123